



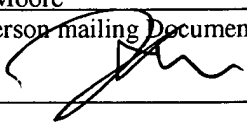
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Re:	Application of:	Rhodes et al.
	Serial No.:	10/671,234
	Filed:	September 25, 2003
	For:	Ethernet-Based Fire System Network
	Group Art Unit:	2446
	Confirmation No.:	8197
	Examiner:	Benjamin R. Bruckart
	Our Docket No.:	2003P14811US (1867-0039)

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Applicant requests review of the at least twice-rejected claims in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

This paper is filed by the Attorney of Record.

**I. Reasons for Review**

1. There is clear error in the rejection of claim 2 under 35 U.S.C §103(a) as being unpatentable over US Pub 2003/0023874 to Prokupets et al. (“Prokupets”) in view of US 5,815,664 to Asano (“Asano”). In short, the Examiner has failed to identify a “first network” that is a “fire control network” as per claim 2 and underlying claim 1.

2. There is clear error in the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Prokupets and Asano and further in view of US Pub 2006/0114842 to Miyamoto (“Miyamoto”) in view of US 6,144,736 to Koenig (“Koenig”). In summary, the Examiner has not identified where any of the four references teaches “a first Ethernet switch that meets one or more standards-issuing agencies publicly available standards for fire protective signaling uses”.

3. There is clear error in the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Prokupets in view of Asano. In particular, the Examiner has not identified where either reference teaches blocking broadcast transmissions to a first network.

4. There is clear error in the rejection of claims 8-13 under 35 U.S.C. § 103(a) as being unpatentable over Prokupets and Asano and further in view of Miyamoto and Koenig. In summary, the Examiner has not identified any combination of teachings that includes “a first fire control Ethernet sub-network including a number of fire control devices and a number of fire safety workstations”.

1. Claim 2

Claim 2 depends from claim 1. In the rejection of claim 1, the Examiner alleged that the network 20 of Fig. 2 of Prokupets constituted the claimed “first network”. (See Final

Office Action at p.11). Actually, the Examiner alleged that the “Fire System 22c” of Prokupets constitutes the “first network” in page 2 of the office action, but then on page 11 alleges that the network 20 of Fig. 2 of Prokupets is the “first network”. The Examiner appears to have redefined the identification of the “first network” in Prokupets in response to Applicants arguments in a prior response to office action. (See Final Office Action at pp.10-11). In other words, in order to meet the requirements of claim 1, the Examiner admits that the claimed “first network” necessarily includes the network 20.

Claim 2 recites that “said first network is a fire control network”. The network 20 of Prokupets, however, is not a “fire control network”. It is a larger network that connects a fire system, an intrusion detection system, a surveillance system, and a building access control system to various servers. Such a network, which connects various non-fire systems to a fire system and other servers, is not a “fire control network” under any reasonable interpretation.

Nevertheless, in the rejection of claim 2, the Examiner again recites that the “fire system 22c” of Prokupets constitutes the claimed first network, and thus is a “fire control network”. (Final Office Action at p.3). However, this definition of the “first network” in connection with claim 2 inconsistent with the definition given in page 11 of the Final Office Action, which defines the first network as the network 20 of Prokupets.

Accordingly, there is clear error in that the Examiner appears to use different and conflicting elements as the “first network”, particularly when the “first network” as per underlying claim 1 is claimed to be a fire control network, as per claim 2. As a consequence, the obviousness rejection of claim 2 is in clear error.

## 2. The Rejection of Claims 3 and 4

Claims 3 and 4 recite, among other things, “a first Ethernet switch that meets one or more standards-issuing agencies publicly available standards for fire protective signaling uses”. The Examiner alleges that Koenig teaches this element at col. 17, lines 38-45. The cited passages do not teach anything that meets any standards relating to *fire protective signaling*. As discussed in the specification, fire protective signaling device standards specifically relate to fire safety systems (e.g. fire alarms and systems). (See specification of present application at p.11). The Examiner cites a device meeting a UL specification that is unrelated to *fire protective signaling use*. (See Koenig at col. 17, lines 38-45).

The Examiner has therefore failed to allege any teaching of “a first Ethernet switch that meets one or more standards-issuing agencies publicly available standards for fire protective signaling uses”, particularly implemented as claimed in claims 3 and 4. As a consequence, the obviousness rejections of claims 3 and 4 are in clear error.

3. Claim 7

In the rejection of claim 7, the Examiner has alleged that “said isolating router is operable to block said broadcast transmissions to said first network” at page 1, paragraph 4 of Prokupets. Paragraph [0004] of Prokupets does not mention broadcast transmissions, much less blocking broadcast transmissions. The Examiner has therefore failed to establish where Prokupets and/or Asano teach the elements of claim 7. The rejection of claim 7 over Prokupets and Asano is therefore in clear error.

4. Claims 8-13

Claim 8 (and dependent claims 9-13) include “a first fire control Ethernet sub-network

including a number of fire control devices and a number of fire safety workstations”. The Examiner has alleged that the fire system 22c constitutes the claimed first network of claim 8. (Final Office Action at p.6). The fire system 22c of Prokupets, however, is not an Ethernet sub-network, much less one that includes a number of fire safety *workstations*. While the security server 12 of Prokupets is probably a workstation, and the elements 24 and 30 are clearly workstations, none of these workstation are within or a part of the fire system 22c.

Further, the Examiner has not alleged that one would modify the fire system 22c such that it constitutes an Ethernet sub-network. The Examiner has not alleged that one would modify the fire system 22c to include a workstation of any kind.

Because the Examiner relies on the “fire system 22c” as constituting the claimed first network, and because the “fire system 22c” is not an Ethernet sub-network, nor includes a number of fire safety workstations, the Examiner has not identified where the prior art teaches or suggests the elements of claim 13. The obviousness rejections of claim 8 (and dependent claims 9-13) are therefore in clear error.

## II. Conclusion

For all of the foregoing reasons, it is respectfully submitted that the application is in a condition for allowance.

Respectfully Submitted,



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